



**DLA PIPER RUDNICK  
GRAYCARY**

RECEIVED  
CENTRAL FAX CENTER  
JUN 08 2005

**DLA Piper Rudnick Gray Cary US LLP**  
153 Townsend Street, Suite 800  
San Francisco, California 94107-1907  
O 415.836.2576  
F 415.836.2501  
W [www.dlapiper.com](http://www.dlapiper.com)

## FAX TRANSMISSION COVER SHEET

June 8, 2005

To: Telephone:

Attn.: Group Art Unit 3644  
United States Patent and Trademark  
Office

Fax Number:  
**(703) 872-9306**

From: Gerald T. Sekimura Client-Matter Number: 328424-165027  
415.836.2576

Re: U.S. Patent Application No. 10/766,097  
Filing Date: January 27, 2004  
First Named Inventor: John Terrell Rickard  
Art Unit: 3644  
Examiner: John W. Eldred  
Attorney Docket No.: 328424-165027

Pages: - 21 - (including this form) Originals:

If there is a problem with this transmission, please call \_\_\_\_\_ at \_\_\_\_\_

**Fax Operator/Ext.**

### Message:

Please see attached for filing in the above-identified U.S. patent application.

### CONFIDENTIALITY NOTICE

This communication is ONLY for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly PROHIBITED. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original to us at the above address. Thank you.

Serving clients globally

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 20

Application Number	10/756,097
Filing Date	January 27, 2004
First Named Inventor	John Terrell Rickard
Art Unit	3644
Examiner Name	John W. Eldred
Attorney Docket Number	328424-165027

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>1. Amendment Transmittal (Large Entity) (x2) - w/ Facsimile Certificate of Transmission</li> <li>2. Facsimile Certificate of Transmission w/ Response</li> </ul>
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DLA Piper Rudnick Gray Cary US LLP		
Signature			
Printed name	Gerald T. Soldinra		
Date	June 8, 2005	Reg. No.	30,130

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

Typed or printed name Ta-Tanisha L. Moore

Date June 8, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): John Terrell Rickard

Docket No.  
328424-165027Serial No.  
10/766,097Filing Date  
January 27, 2004Examiner  
John W. EldredGroup Art Unit  
3644Invention: SYSTEM AND METHOD FOR THE DEFENSE OF AIRCRAFT AGAINST SURFACE-TO-AIR MISSILE  
ATTACK

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	54 -	54 -	0	x \$50.00	\$0.00
INDEP. CLAIMS	8 -	8 -	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment.

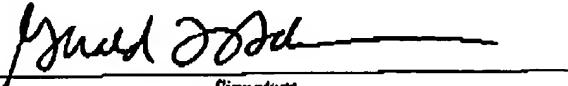
Please charge Deposit Account No. 07-1896 in the amount of  
A duplicate copy of this sheet is enclosed.

A check in the amount of to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1896.  
A duplicate copy of this sheet is enclosed.

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.



Dated: June 8, 2005

Signature

Gerald T. Sekimura (Reg. No. 30,103)  
 DLA Piper Rudnick Gray Cary US LLP  
 153 Townsend Street, Suite 800  
 San Francisco, CA 94107-1957

I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

See attached facsimile transmittal

Typed or Printed Name of Person Mailing Correspondence

cc:

## AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): John Terrell Rickard

Docket No.  
328424-165027Serial No.  
10/766,097Filing Date  
January 27, 2004Examiner  
John W. EldredGroup Art Unit  
3644Invention: SYSTEM AND METHOD FOR THE DEFENSE OF AIRCRAFT AGAINST SURFACE-TO-AIR MISSILE  
ATTACK

## TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	54 -	54 =	0 x	\$50.00	\$0.00
INDEP. CLAIMS	8 -	8 =	0 x	\$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment

Please charge Deposit Account No. 07-1896 in the amount of  
A duplicate copy of this sheet is enclosed.

A check in the amount of to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1896.  
A duplicate copy of this sheet is enclosed.

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.



Dated: June 8, 2005

Signature

Gerald T. Sekimura (Reg. No. 30,103)  
DLA Piper Rudnick Gray Cary US LLP  
153 Townsend Street, Suite 800  
San Francisco, CA 94107-1957

I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

See attached facsimile transmittal

Typed or Printed Name of Person Mailing Correspondence

CC:

## CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): John Terrell Rickard

Docket No.

328424-165027

Serial No.  
10/766,097Filing Date  
January 27, 2004Examiner  
John W. EldredGroup Art Unit  
3644Invention: SYSTEM AND METHOD FOR THE DEFENSE OF AIRCRAFT AGAINST SURFACE-TO-AIR MISSILE  
ATTACK

I hereby certify that this Amendment Transmittal Letter (Large Entity)  
(Identify type of correspondence)  
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306)  
on June 8, 2005  
(Date)

Ta-Tanisha L. Moore

(Typed or Printed Name of Person Signing Certificate)



(Signature)

Note: Each paper must have its own certificate of mailing.

RECEIVED  
CENTRAL FAX CENTER

Appl. No.	:	10/766,097	Confirmation No.	3201	JUN 08 2005
Applicant	:	John Terrell Rickard			
Filed	:	January 27, 2004			
TC/A.U.	:	3644			
Examiner	:	John W. Eldred			
Docket	:	328424-165027			
No.					
Customer	:	29585			
No.					

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**RESPONSE TO FINAL OFFICE ACTION DATED APRIL 13, 2005**

Sir:

Responsive to the Official Action, made Final, mailed April 13, 2005, and having a shortened statutory period for response of three (3)-months, Applicant submits this Response in order to provoke an advisory action.

Amendments, if any, to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

SF3112181.1  
328424-165027